



Order Filed on May 26, 2020
by Clerk
U.S. Bankruptcy Court
District of New Jersey

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1(b)

RAS CITRON, LLC
130 Clinton Road, Suite 202
Fairfield, New Jersey 07004
Telephone Number: 973-575-0707
Attorneys for Secured Creditor

Shauna Deluca, Esq. (SD-8248)

In Re:

Michael S Weston,

Debtor.

Case No.: 18-21762-RG

Chapter: 13


Hearing Date: May 20, 2020

Judge: Rosemary Gambardella

**AGREED ORDER RESOLVING SECURED CREDITOR'S CERTIFICATION OF
DEFAULT**

The relief set forth on the following pages, numbered two (2) through four (4), is hereby
ORDERED.

DATED: May 26, 2020


Honorable Rosemary Gambardella
United States Bankruptcy Judge

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Secured Creditor: HSBC BANK USA, NATIONAL ASSOCIATION AS TRUSTEE FOR NOMURA ASSET ACCEPTANCE CORPORATION, ALTERNATIVE LOAN TRUST, SERIES 2007-2

Secured Creditor's Counsel: RAS CITRON, LLC

Debtor's Counsel: Scott D. Sherman

Property Involved ("Collateral"): 11 Camelot Way, Parsippany, NJ 07054

Relief sought: ■ Motion for relief from the automatic stay

The Debtor is in default of the parties Agreed Order Resolving Secured Creditor's Motion for Relief from the Automatic Stay entered on June 17, 2019. For good cause shown, it is **ORDERED** that Applicant's Certification is resolved, subject to the following conditions:

1. Status of post-petition arrearages as of April 9, 2020:

- The Debtor is overdue for 5 months from 12/01/2019 through 04/01/2020.
- The Debtor is overdue for 5 payments from 12/01/2019 through 04/01/2020 at \$3,178.77 per month.

Funds Held In Suspense \$0.00

Total Arrearages Due \$15,893.85

2. Debtor must cure all post-petition arrearages, as follows:

- The Debtor shall make a lump-sum payment in the amount of \$6,357.54 directly to Secured Creditor within 10 days of entry of this Order.

- Beginning on 05/01/2020, regular monthly mortgage payments shall continue to be made directly to Secured Creditor in the amount of \$3,178.77. This amount is subject to change based on escrow and/or interest rate adjustments.

- The amount of \$9,536.31 shall be capitalized into the Debtor's Chapter 13 plan. ~~Debtor must file a Modified Plan, and Schedules I and J within fifteen (30) days of the entry of this Order. The Debtor's monthly payment to the Chapter 13 Trustee will be modified to an amount necessary to appropriately fund the plan in accordance with this order.~~

SDS

3. Payments to the Secured Creditor shall be made to the following address(es):

■ Regular monthly payment: PHH Mortgage Services
Mailstop SBRP
PO Box 5469
Mt. Laurel, NJ 08054

■ Immediate payment: PHH Mortgage Services
Mailstop SBRP
PO Box 5469
Mt. Laurel, NJ 08054

4. In the event of Default:

■ Should the Debtor(s) fail to make any of the above captioned payments, or if any regular monthly mortgage payment should become more than thirty (30) days late or if Debtor(s) fails to comply with any terms of this Consent Order, counsel shall file a Certification of Default with the Court. A copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtors, and Debtors' attorney and the court shall enter an Order granting relief from the Automatic Stay. Debtor shall pay \$200.00 for each notice of default issued by Secured Creditor as a result of the Debtor's failure to comply with this Consent Order.

■ In the event the Debtor(s) convert(s) to a Chapter 7 during the pendency of this bankruptcy case, the Debtor(s) shall cure all arrears within ten (10) days from the date of conversion in order to bring the loan contractually current. Should the Debtors fail to bring the loan contractually current, counsel shall file a Certification of Default with the Court, a copy of the Certification shall be sent to the Chapter 13 Trustee, Chapter 7 Trustee, the Debtors, and Debtors' attorney and the court shall enter an Order granting relief from the Automatic Stay. Debtor shall pay \$200.00 for each notice of default issued by Secured Creditor as a result of the Debtor's failure to comply with this Consent Order.

■ This agreed order survives any loan modification agreed to and executed during the instant bankruptcy. If any regular mortgage payment due after the execution of a loan modification is more than thirty (30) days late, counsel shall file a Certification of Default with the Court a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtors, and Debtors' attorney and the court shall enter an Order granting relief from the Automatic Stay. Debtor shall pay \$200.00 for each notice of default issued by Secured Creditor as a result of the Debtor's failure to comply with this Consent Order.

5. Award of Attorneys' Fees:

- The Applicant is awarded attorney fees of \$200.00
The fees and costs are payable:
 - Through the Chapter 13 plan.

The undersigned hereby consent to the form and entry of the foregoing order.



Scott D. Sherman, Esquire.
Attorney for Debtor
Date:

/s/ Shauna Deluca

Shauna Deluca, Esquire.
Attorney for Secured Creditor
Date: May 18, 2020